

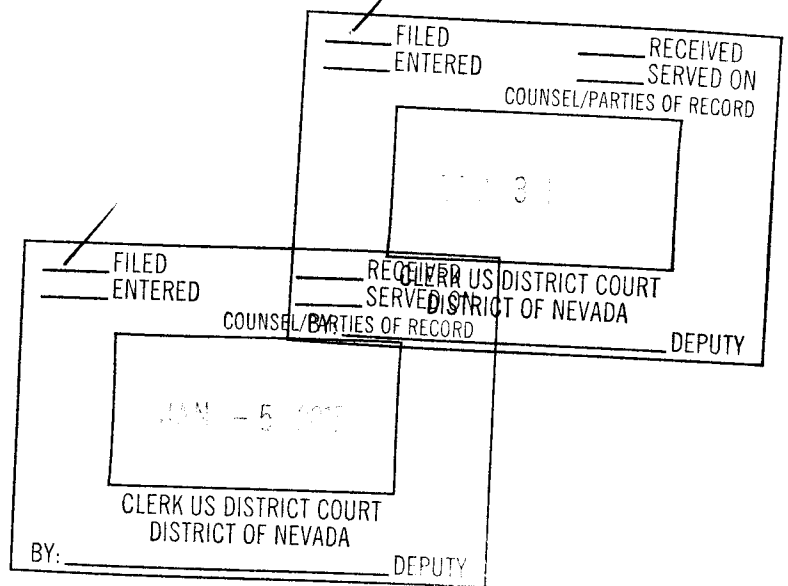
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SEALED

Office of the United States Attorney
District of Nevada
Lloyd D. George Federal Courthouse
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, NV 89101
(702) 388-6336

1 DANIEL G. BOGDEN
 United States Attorney
 2 District of Nevada
 DANIEL D. HOLLINGSWORTH
 3 Assistant United States Attorney
 Nevada Bar No. 1925
 4 U.S. Attorney's Office
 333 Las Vegas Boulevard South, Suite 5000
 5 Las Vegas, Nevada 89101
 Telephone: 702-388-6336
 6 Facsimile: 702-388-6787
 Email: *daniel.hollingsworth@usdoj.gov*
 7 Attorneys for the United States



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 10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 \$15,076.92 IN UNITED STATES) 2:14-CV-946-JAD-(GWF)
 13 CURRENCY)

14 **THE UNITED STATES OF AMERICA'S UNOPPOSED SEALED EX PARTE APPLICATION**
 15 **TO EXTEND THE TIME TO FILE A CIVIL COMPLAINT FOR FORFEITURE IN REM OF**
 16 **THE \$15,076.92 IN UNITED STATES CURRENCY AND ORDER**
(Second Request)

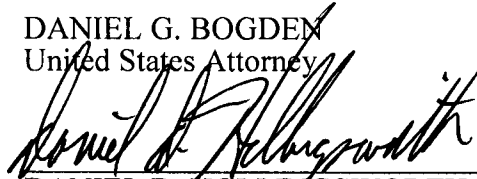
17 The United States of America, by and through Daniel G. Bogden, United States Attorney for the
 18 District of Nevada, and Daniel D. Hollingsworth, Assistant United States Attorney, respectfully applies
 19 for an extension of time to and including July 8, 2015, for the United States to file a Civil Complaint For
 20 Forfeiture In Rem of the \$15,076.92 in United States Currency pursuant to 18 U.S.C. § 983(a)(3)(A) and
 21 LR 6. The Civil Complaint For Forfeiture In Rem of the \$15,076.92 in United States Currency is due
 22 January 8, 2015.

23 The grounds for this application are (1) the government is pursuing criminal prosecution against
 24 James Jariv with a trial date of February 9, 2015, and (2) counsel for James Jariv agreed to the extension
 25 of time. The government and James Jariv and Nathan Stoliar's are engaged in plea negotiations, and he
 26 will plead guilty in the criminal within the next few months.

1 This Sealed Ex Parte Application is made and is based on this Application and the attached
2 Memorandum of Points and Authorities.

3 DATED this 31st day of December, 2014.

4 DANIEL G. BOGDEN
5 United States Attorney

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7 DANIEL D. HOLLINGSWORTH
8 Assistant United States Attorney
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. STATEMENT OF FACTS**

3 On or about January 14, 2014, \$15,076.92 in United States Currency was seized from Mountain
4 America Credit Union, account number 9669831, in the name of Nevada Star Development, Inc., located
5 at 7820 West Lake Mead Boulevard, Las Vegas, Nevada 89128 with a judicially approved and issued
6 civil seizure warrant.

7 The \$15,076.92 in United States Currency was subject to administrative summary forfeiture
8 proceedings; however, James Jariv ("Jariv") filed an administrative claim on or about April 9, 2014.

9 Nathan Stoliar pled guilty to the Indictment. Jariv will plead guilty to the Indictment within the
10 next few months.

11 **II. ARGUMENT**

12 This Court should grant this application for an extension of time to file a Civil Complaint For
13 Forfeiture In Rem of the \$15,076.92 in United States Currency because counsel for Jariv has agreed. LR
14 6-1; 18 U.S.C. § 983(a)(3)(A).

15 [T]he Government shall file a complaint for forfeiture in the manner set forth in the Supplemental
16 Rules for Certain Admiralty and Maritime Claims ... , a court in the district in which a complaint
17 will be filed may extend the period for filing a complaint for good cause shown or upon
agreement of the parties."

18 18 U.S.C. § 983(a)(3)(A).

19 The filing of a Civil Complaint For Forfeiture In Rem, pursuant to 18 U.S.C. § 983, starts a civil
20 forfeiture in rem action that is new and is separate from the criminal prosecution. A district court has the
21 authority under 18 U.S.C. § 983(a)(3)(A) to extend the period of time to file a Civil Complaint For
22 Forfeiture In Rem based on the agreement of the parties. Doing otherwise could cause interference with
23 the criminal prosecution.

24 On December 22, 2014, Jariv's counsel, Tim Johnson, agreed to the extension of time and
25 authorized counsel for the United States to file this unopposed motion with this Court. Because the
26 parties have agreed that the United States should be allowed an extension of time to file its In Rem

1 Complaint, the government respectfully asks this Court to grant its motion pursuant to 18 U.S.C. §
2 983(a)(3)(A).

3 This Application is not submitted solely for the purpose of delay or for any other improper
4 purpose.

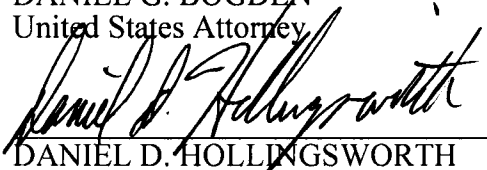
5 **II. CONCLUSION**

6 This Court should grant an extension of time to July 8, 2015, for the United States to file a Civil
7 Complaint For Forfeiture In Rem of the \$15,076.92 in United States Currency under 18 U.S.C. §
8 983(a)(3)(A) because both parties agreed to the extension.

9 DATED this 31st day of December, 2014.

10 Respectfully submitted,

11 DANIEL G. BOGDEN
12 United States Attorney

13 
14 DANIEL D. HOLLINGSWORTH
15 Assistant United States Attorney

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18 IT IS SO ORDERED:

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20 
21 UNITED STATES DISTRICT JUDGE

22 DATED: 1/5/15
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